



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Eric BERREKLOUW EXAMINER : TBA
SERIAL NO. : 10/594,363 ART UNIT : TBA
FILED : September 26, 2006 CONFIRM NO.: 4683
FOR ASSEMBLY COMPRISING A RING FOR
ATTACHMENT IN A PASSAGE SURROUNDED
BY BODY TISSUE AS WELL AS ...

July 2, 2008

STATEMENT OF FILING BY EXPRESS MAIL 37 CFR § 1.10

This correspondence is being deposited with the U.S. Postal Service on:
July 2, 2008 in an envelope as "Express Mail Post Office to Addressee"
Mailing Label No.: EB 908 953 002 US addressed to: Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371 IN THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)

Mail Stop - Response
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REMARKS

On July 1, 2008 I contacted the PCT Help Desk to inquire why the Official Filing Receipt had not as yet been received for the subject application. We were advised by Ms. Tamara Graysay, the person answering the phone at the Help Desk, that a Notification of Missing Requirements had been mailed to Abelman, Frayne & Schwab on January 22, 2008. We advised Ms. Graysay that such Notification had never been received by our office, and she kindly offered to send the Notification by facsimile.

Upon receipt of the Notification, I immediately gave it to Mary Washburn, a Docket Clerk in our office. Mrs. Washburn checked her electronic/computer records as well as her written records and determined that such Notification had never previously been received and/or entered. Mrs. Washburn immediately entered the Notification in the Firm's electronic records and also on the file jacket of the application noting that it had first been received in our offices on July 1, 2008.

Enclosed herewith is a Declaration by Mrs. Washburn that she, or the other Docket Clerk, Steven Ortiz, upon the receipt of such a Notification would promptly enter it into our computer docketing records and also on the file jacket of the application in question. Thereafter, the Notification and the file would be given to the individual attorney who was responsible for the application for forwarding to the client to request that the Declaration be executed by the inventor. If the executed Declaration was already in the file, it would have been filed directly in the U.S. Patent Office.

It is respectfully submitted that the need for a four month extension and payment of the \$820.00 was unavoidable since the Notification was not received in the offices of Abelman, Frayne & Schwab, notwithstanding that our customary procedure for handling such Notifications was followed.

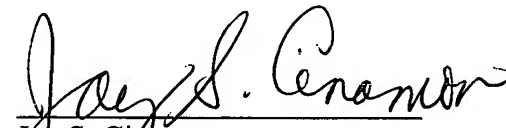
Applicant respectfully petitions that the \$820.00 extension fee payment be refunded and credited to our Deposit Account No. 01.0035.

Please charge any fees which may be due and which have not been submitted herewith to our Deposit Account No. 01-0035.

Respectfully submitted,

ABELMAN, FRAYNE & SCHWAB
Attorneys for Applicant

By


Jay S. Cinnamon
Attorney for Applicant
Reg. No. 24,156

666 Third Avenue
New York, NY 10017-5621
Tel.: (212) 949-9022
Fax: (212) 949-9190



PCT Help Desk
US Patent and Trademark Office
Telephone: (571) 272-4300
Facsimile: (571) 273-0459

Fax

To: Jay CINAMON	From: Tamara Graysay
Fax: 212 949 9190	Pages: 3
Phone:	Date: 01 July 2008
Re: 10/594363	CC:

☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Per your request, a copy of
Form PCT/DO/E0/905 mailed 22 January 2008
follows this cover page.

Country Application

Tuesday, July 01, 2008

Page: 1

Docket No.: 207,862

Country: US

SubCase:

Client: Nederlandsch Octrooibureau

United States of America

Case Type: PCT

Application Status: Pending

Application Number: 10/594,363

Filing Date: 26-Sep-2006

Publication Number:

Publication Date:

Patent Number:

Issue Date:

Parent/PCT Number: /NL05/000230

Parent/PCT Date : 29-Mar-2005

Parent Issue Number:

Parent Issue Date :

Tax Schedule: SE

Expiration Date:

Family #:

Patent Term Adjustment: 0

Agent: US01

Agent Reference #:

COMMISSIONER FOR PATENTS

Family Reference:

Remarks: Notification of Missing Requirements never received. Examiner Tamara Graysay faxed to us on 1 July 2008.

List Of Actions

Action(s) Due	Due Date	Action Taken
Information Disclosure Stmtnt	26-Dec-2006	Due Date
Response Due	22-Mar-2008	Due Date
Application Status Check	26-Mar-2008	Due Date
1st Extension	22-Apr-2008	Due Date
2nd Extension	22-May-2008	Due Date
3rd Extension	22-Jun-2008	Due Date
4th Extension	22-Jul-2008	Due Date
Final Deadline	22-Aug-2008	Final

User ID: Mary

Date Created: 26-Sep-2006

Last Update: 01-Jul-2008

**DIVISION OF
CONTINUATION IN PART OF**

TITLE ASSEMBLY COMPRISING A RING FOR ATTACHMENT IN A PASSAGE SURROUNDED BY BODY TISSUE AS WELL AS

ASSIGNMENT RECORDED _____ REEL _____ FRAME _____

Priority: NL No. 1025830 Filed 26 March, 2004

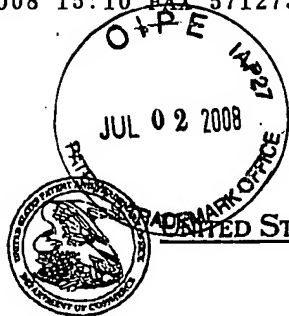
SERIAL NO. 10/594, 362

OTHER FOREIGN

ENT NO. _____ DATE _____

Kruysman
ikillman Avenue Long Island City, NY 11101 (718) 433-3800 (800) 221-3218
029-3L ©2002 Kruysman

Client: Nederlandsch Octrooibureau (N.5620)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/594,363	FIRST NAMED APPLICANT Eric BERREKLOUW	ATTY. DOCKET NO. 207,862
INTERNATIONAL APPLICATION NO. PCT/NL05/00230		
I.A. FILING DATE 03/29/2005		PRIORITY DATE 03/26/2004

Jay S. Cinamon
 Abelman, Frayne and Schwab
 666 Third Avenue
 New York, NY 10017-5621

CONFIRMATION NO. 4683
 371 FORMALITIES LETTER



Date Mailed: 01/22/2008

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 09/26/2006
- Copy of the International Search Report filed on 09/26/2006
- Preliminary Amendments filed on 11/29/2006
- Oath or Declaration filed on 09/26/2006
- Request for Immediate Examination filed on 09/26/2006
- U.S. Basic National Fees filed on 09/26/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/594,363	FIRST NAMED APPLICANT Eric BERREKLOUW	ATTY. DOCKET NO. 207,862
INTERNATIONAL APPLICATION NO. PCT/NL05/00230		
LA. FILING DATE 03/29/2005	PRIORITY DATE 03/26/2004	

Jay S. Cinamon
 Abelman, Frayne and Schwab
 666 Third Avenue
 New York, NY 10017-5621

CONFIRMATION NO. 4683
 371 FORMALITIES LETTER



OC000000027816805

Date Mailed: 01/22/2008

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 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
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page 1 of 2

DUE BY 22 March 2008DOCKETED ON 1 July 2008

DOCKETED WITHOUT FILE _____

ATTORNEY JSC

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

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If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

FRANCINE YOUNG

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Mailing Label No.: EB 908 953 002 US addressed to: Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PETITION FOR REFUND OF EXTENSION FEE WITH
RESPECT TO NOTIFICATION OF MISSING REQUIREMENTS

Mail Stop - PCT Legal Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REMARKS

In response to the Notification of Missing Requirements of January 22, 2008, copy enclosed, Applicant submits herewith a properly executed Declaration/Power of Attorney. Applicant also encloses a herewith a check in the amount of \$885.00, which covers \$65.00 for the small entity surcharge for the late filing of the Declaration and, a four month extension of time by a small entity of \$820.00.

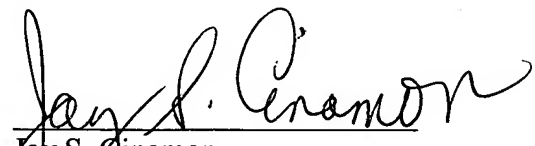
Applicant wishes to advise the Office that the Notification of Missing Requirements of January 22, 2008 was not received in our offices until July 1, 2008 and Applicant intends to file an appropriate Petition for a refund of the \$820.00 extension fee and ask that it be credited to our Deposit Account No. 01-0035.

Please charge any fees which may be due and which have not been submitted herewith to our Deposit Account No. 01-0035.

Respectfully submitted,

ABELMAN, FRAYNE & SCHWAB
Attorneys for Applicant

By


Jay S. Cinamon
Attorney for Applicant
Reg. No. 24,156

666 Third Avenue
New York, NY 10017-5621
Tel.: (212) 949-9022
Fax: (212) 949-9190

07/10/2008 LLANDGRA 00000053 10594363

02 FC:2617

65.00 0P

207,862 RESPONSE TO MISSING REQS. (BERREKLOUW)